

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL NO. 1:08CV430**

<b>IN RE:</b>	)	
	)	
<b>EVERETT ANEILLO McCOLLUM and</b>	)	
<b>BARBARA PHILLIPPE McCOLLUM,</b>	)	<b>Adv. Case No. 08-10159</b>
	)	
<b>Debtors.</b>	)	
<hr style="width: 40%; margin-left: 0;"/>	)	
	)	
<b>EVERETT ANEILLO McCOLLUM,</b>	)	
	)	
<b>Appellant,</b>	)	
	)	
<b>Vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>TERESA P. VEA,</b>	)	
	)	
<b>Appellee.</b>	)	
<hr style="width: 40%; margin-left: 0;"/>	)	

**THIS MATTER** is before the Court on Appellant's response to the Show Cause Order entered October 15, 2008, directing Appellant show cause as to why he failed to comply with Federal Rule of Bankruptcy Procedure 8006.

Rule 8006 requires an appellant to file, within 10 days of his notice of appeal, a designation of the items to be included in the record on appeal and a statement of the issues to be presented. **Fed. R. Bankr. P. 8006.** Failure to do so risks dismissal. **Fed. R. Bankr. P. 8001(a).** In this case, Appellant has filed these items more than 30 days after the 10-day deadline imposed by Rule 8006. Moreover, Appellant's counsel fails to provide any good reason for this extended delay, stating merely that he works for a small firm which has been unusually busy and that he "has not had the opportunity to complete the research on the procedure of filing documents." **Response to October 15, 2008 Court Order Noticing Appellant of Contemplation of Dismissal of the Appeal, filed October 24, 2008, at 1-2.**

Nonetheless, in light of the fact that a dismissal of this appeal based on counsel's unwarranted delays will only serve to harm an innocent client, the Court will deem the instant designation and issue statement to be timely filed. Counsel is cautioned that such leniency will not be extended in future proceedings in this Court.

**IT IS, THEREFORE, ORDERED** that Appellant's Designation of Items to be Included in Record on Appeal and Statement of Issues filed this date is deemed timely filed.

Signed: October 27, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

